

Attorney for Defendants
MULESOFT, INC. and
PHILIP T. BRADLEY

NORTHERN DISTRICT OF CALIFORNIA

Defendants.

STIPULATION & ~~PROPOSED~~
ORDER CONTINUING INITIAL CASE
MANAGEMENT CONFERENCE &
RELATED DEADLINES AS MODIFIED

**STIPULATION & [PROPOSED] ORDER CONTINUING INITIAL CASE
MANAGEMENT CONFERENCE & RELATED DEADLINES**

Defendants MuleSoft, Inc. and Philip T. Bradley (“Defendants”) and plaintiff Business Integration Technology (“Plaintiff”) hereby recite, stipulate, and agree pursuant to Civil Local Rules 7-12 and 16-2(d) as follows:

RECITALS

- A. This case was transferred from the Eastern District of Missouri on or around September 16, 2011 (*See* Doc. 53).
- B. Soon after the transfer, the Court entered an Order Setting Initial Case Management for January 10, 2012 and ordered, among other things, that the parties meet and confer regarding initial disclosures by December 20, 2012 and serve initial disclosures no later than January 3, 2012.
- C. Plaintiff filed Document 70, its Second Amended Complaint, on or around December 19, 2011.
- D. Defendants intend to file a motion to dismiss Document 70 pursuant to Federal Rule of Civil Procedure 12(b)(6) or, in the alternative, move for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c).
- E. Because of uncertainty regarding what allegations will survive the motion described above, there is a risk that dates set at the Initial Case Management Conference will be delayed as a result of possible further amendments to the pleadings.
- F. There is an additional risk of unnecessary disputes between the parties about the proper scope of discovery in light of their differences over the viability of certain allegations in the Second Amended Complaint.
- G. A continuance of the Initial Case Management Conference and of the conference of the parties until after the parties’ differences regarding the pleadings have been resolved is likely to reduce disputes between the parties about the scope of permissible discovery.

- H. Defendants have sought and received Plaintiff's agreement to a continuance of: (i) the Initial Case Management Conference; (ii) the parties' conference pursuant to Federal Rule of Civil Procedure 26(f); and (iii) the deadline for service of initial disclosures.
- I. The agreement is conditioned on Defendants' not proposing an alternative schedule until such time as the Court enters an order granting or denying Defendants' motion.

STIPULATION

Accordingly, the parties stipulate and agree as follows:

1. The Initial Case Management Conference scheduled for January 10, 2012 is hereby vacated;
2. The parties shall file a stipulation proposing an Initial Case Management Conference no later than 15 days following the entry of an order regarding Defendants' anticipated motion to dismiss.
3. The December 20, 2011 deadline to meet and confer regarding initial disclosures and the January 3, 2012 deadline for service of the parties Initial Disclosures are vacated. The stipulation described in paragraph 2 shall propose deadlines for the parties to meet and confer regarding initial disclosures and service of initial disclosures.

Respectfully submitted,

DATED: 12/30/2011

CLAASSEN, Professional Corporation

By: /s/ John S. Claassen, Esq.
John S. Claassen, Esq.

Attorney for Defendants
MULESOFT, INC. & PHILIP T. BRADLEY

DATED: 12/30/2011

MOSER & MARSALEK, P.C.

By: /s/ Jennifer Betz, Esq.
Jennifer Betz, Esq. (*admitted pro hac*)

Attorneys for Plaintiff
BUSINESS INTEGRATION TECHNOLOGY,
INC.

[PROPOSED] ORDER

For good cause shown, the above stipulation of the parties is adopted as the Order of the Court. the Initial Case Management Conference is continued to April 3, 2012 at 10:00 a.m.

IT IS SO ORDERED, AS MODIFIED.

DATED: January 3, 2012

CERTIFICATE

I John S. Claassen, Esq., am the ECF User whose password are being used to file **STIPULATION & [PROPOSED] ORDER CONTINUING INITIAL CASE MANAGEMENT CONFERENCE & RELATED DEADLINES**. In compliance with General Order 45.X.B, I hereby attest that Jennifer Betz, Esq. has concurred in this filing.

Respectfully submitted,

DATED: 12/30/2011

CLAASSEN, Professional Corporation

By: /s/John S. Claassen

John S. Claassen, Esq.

Attorneys for Defendants

MULESOFT, INC. & PHILIP T. BRADLEY

**STIPULATION & [PROPOSED] ORDER
CONTINUING INITIAL CASE MANAGEMENT
CONFERENCE & RELATED DEADLINES**

3:11-cv-04782-EDL